



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



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BUTCH TONGATE
Cabinet Secretary
J.C. BORREGO
Deputy Secretary

Original via UPS -- Copy via Electronic Mail

June 15, 2017

Mr. William K. Honker, Director
Water Quality Protection Division (6WQ)
U. S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: State Certification

Dear Mr. Honker:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit:

Las Vegas Water Treatment Plant – NM0030341

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the NMED web site www.nmenv.state.nm.us/swqb/WQA/Notice on April 28, 2017. The public comment period ended on June 1, 2017. NMED received no comments by the end of the comment period.

Sincerely,

/s/ Sarah Holcomb for Shelly Lemon

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

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Las Vegas Water Treatment Plant – NM0030341

cc: (w/enclosures)

Ms. Diane Smith, USEPA (6WQ-NP) via e-mail

Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail

Ms. Maria Gilvarry, City of Las Vegas, 905 12th Street, Las Vegas, NM 8/7701 via Certified Mail

Mr. Sam Coleman, Acting Regional Administrator
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

June 15, 2017

STATE CERTIFICATION

RE: Las Vegas Water Treatment Plant – NM0030341

Dear Mr. Coleman:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law.

Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law

☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachments)

☐ () denies certification for the reasons stated in the attachment

☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification.

Comments and conditions pertaining to this draft permit are attached.

Sincerely,

/s/ Sarah Holcomb for Shelly Lemon
Shelly Lemon, Chief
Surface Water Quality Bureau

Las Vegas Water Treatment Plant
NM0030341
State Certification of the Proposed NPDES Permit
June 15, 2017

Conditions of Certification

There are no conditions of certification.

Comments that are not Conditions of Certification

Comment #1:

In Part II.F.1.e of the proposed permit, EPA includes the following language:

“This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. NMED will review the test results and determine the appropriate action necessary, if any.”

Because USEPA is still the permitting authority in New Mexico, NMED believes that any WET failure notifications should be sent primarily to EPA, and NMED should be cc'ed on that notification. The decision whether the facility should begin a TRE or take any other appropriate action should come from USEPA through consultation with NMED.